

**IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK**

**FOOD LION, LLC, HANNAFORD BROS. CO.,
and KASH N' KARRY FOOD STORES, INC.,**

**Individually and on behalf of a class of all
those similarly situated,**

Plaintiffs,

v.

**CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPE'S PLC, CADBURY
ADAMS USA LLC, HERSHEY CANADA
INC., THE HERSHEY COMPANY, MARS
CANADA INC., MARS, INC., MARS NORTH
AMERICA, MARS SNACKFOOD U.S.,
NESTLÉ CANADA INC., NESTLÉ S.A.,
and NESTLÉ USA,**

Defendants.

Civil Action No. 1:08-cv-03045-PKC

WAIVER OF SERVICE

Fed. R. Civ. P. Form 6

**TO: Torsten M. Kracht (TK4134)
Akin Gump Strauss Hauer & Feld, LLP
1333 New Hampshire Ave NW
Washington, DC 20036
Tel. 202.887.4252
Fax 202.887.4288**

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from April 29, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Dated: 5/1/08

S M Angele
(Signature of the attorney or unrepresented party)

Susan M. Angele
(Printed name)

100 Crystal A. Drive
(Address) Hershey, PA 17033

Sangele@hersheys.com
(E-mail address)

717-534-7532
(Telephone number)

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CANADA INC., MARS, INC., MARS NORTH
AMERICA, MARS SNACKFOOD INC.,
NESTLÉ CANADA INC., NESTLÉ S.A.,
and NESTLÉ USA.**

Defendants.

Civil Action No. 08-CV-03045 (PKC)

Fed. R. Civ. P. Form 5

TO:

Hershey Canada, Inc.
Airport Corporate Centre
5750 Explorer Drive, Suite 500
Mississauga, Ontario
L4W 0B1
Canada

Attn: Officer, Managing Agent, General Agent
or Other Person Authorized to Receive Service of Process

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within at least 60 days from the date

shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: April 29, 2008



Torsten M. Kracht (TK4134)
Richard L. Wyatt, Jr. (admitted *pro hac vice*)
Todd M. Stenerson (*pro hac vice* application pending)
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AND

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Counsel for Plaintiffs